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ABSTRACT

This guide provides primary school teachers in St. Louis, Missouri, with information about the desegregation movement court ruling and plan implemented in that city. Activities designed to inform parents and students and help persons to adjust to new school locations are presented. Background information on St. Louis desegregation is provided, including: (1) an abridged, edited version of the court brief, Liddel v. The St. Louis Board of Education; (2) a timetable of events and related court cases; (3) historical material; and (4) guidelines established by the Eight Circuit Court of Appeals for the desegregation plan. (Author/APM)

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DESEGREGATION INSTRUCTION UNIT

PRIMARY LEVEL

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St. Louis Public Schools

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St. Louis Public Schools
1980

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TO THE TEACHER

The implementation of the Desegregation Plan of the St. Louis Public Schools for the school year 1980-1981 will involve many changes. Many students will be going to schools different from the one they attended in the school year 1979-1980. Some staff members may have different assignments. Some parents will have concerns for their children who have been placed in new environments and some parents will become affiliated with different parent organizations.

The Desegregation Plan which was accepted by Judge James H. Meredith included a section which said that every school would be involved in activities specifically designed to provide teachers, parents and students with information about the Desegregation Plan and the history of the desegregation movement in St. Louis.

It is encumbent upon the school system to assure that each facet of the Plan is implemented. Therefore, some suggested activities have been prepared for teachers to use in the manner most suitable for their classes. These suggested activities are designed to give parents and students information concerning the Desegregation Plan and to help persons assigned to new locations to make necessary adjustments. In addition, background information on desegregation is provided so that teachers may create activities of their own or modify those developed to meet the mandate of the court.

OBJECTIVES

As a result of the use of the Desegregation Unit w th students in elementary, middle, and secondary schools, these young people should understand what the desegregation of the St. Louis Public Schools means. The depth of understanding will, of course, depend upon the maturity of the students. It is hoped that each pupil will be able to reach the level of understanding listed below for his level.

Primary

1. Pupils will understand the vocabulary and will use some of the terms correctly.
2. Pupils will understand that the Desegregation Plan is an attempt to obey the court order.
3. Teachers will observe how well children understand these concepts.

Grades 4 and 5

1. Pupils will take the pre-test provided.
2. Pupils will be able to use the vocabulary of desegregation.
3. Pupils will understand the steps which led to the desegregation court order.
4. Pupils will understand that the Desegregation Plan is an attempt to obey the court order.
5. Pupils will take a post-test.

Middle Schools

1. Pupils will take the pre-test provided.
2. Pupils will understand the steps which led to the desegregation court order.
3. Pupils will understand the provisions of the court order.
4. Pupils will use the vocabulary of desegregation.
5. Pupils will take a post-test.

AN ABRIDGED AND EDITED VERSION OF THE COURT BRIEF,

LIDDELL ET AL. V. THE ST. LOUIS BOARD OF EDUCATION

TIMETABLE OF EVENTS AND

RELATED COURT CASES

Below is a list of laws and court cases that deal directly or indirectly with events that led to the desegregation of the St. Louis Public Schools in September, 1980. Cases directly related to St. Louis appear in italics.

1847 - Missouri State Constitution - stated that no person shall keep or teach in any school for the instruction of Negroes or Mulattoes

1865 - Missouri Legislature enacted a law allowing the creation and maintenance of separate public schools for Blacks

1896 - Plessy v. Ferguson - sustained a Louisiana law that required "separate but equal" accommodations for white and black railroad passengers . . . made a distinction between political and social equality by sustaining "political but not social" equality as granted by the Fourteenth Amendment

1938 - Missouri ex rel. Gaines v. Canada - held that in the absence of separate but equal facilities, the state must allow black law students to be admitted to the existing state law schools

1948 - Sipuel v. Oklahoma - upheld the Gaines case

1950 - Sweatt v. Painter - required admission of blacks to the University of Texas Law School, even though Texas had established a law school for blacks. The court found that the black law school did not exhibit "substantial equality in educational opportunities."

1950 - McLaurin v. Oklahoma State Regents - the court held that the requirement that a black student admitted to a state university program not offered at the black university being required to sit in separate sections, adjoining classrooms, and separate facilities was unconstitutional

1954 - Brown v. Board of Education I (Topeka) - abolished the doctrine of "separate but equal."

1955 - Brown v. Board of Education II (Topeka) - imposed duty on the state to abolish segregated schools and to provide racial nondiscriminatory schools

1963 - Gass v. Board of Education, Knoxville - struck down transfer plans that led to segregated schools

1968 - Green v. County School Board (New Kent County, Virginia) - struck down "freedom of choice" attendance plans that led to segregated schools

1971 - Swann v. Charlotte - Mecklenburg (North Carolina) -

- allowed the use of racial quotas
- allowed the existence of one-race schools within a district of mixed populations
- allowed the gerrymandering of attendance zones, clustering, pairing or grouping of schools to transfer blacks out of previously segregated schools
- allowed busing of students to obtain desegregation

February 18, 1972 - Concerned Parents of North St. Louis filed suit in the United States District Court for the Eastern District of Missouri

April 19, 1972 - Board of Education denies the charges brought by the suit

October 3, 1973 - Court accepts the suit as a class action

December 1, 1973 - Deadline for becoming a party in the suit

June 7, 1974 - Stipulations filed

1974 - Milliken v. Bradley (Milliken I) - Supreme Court overturned a District Court requirement for inter-district bussing, without a finding of an interdistrict violation must show a constitutional violation within a district that produced a segregation effect in another district

1975 - Keys v. School Dist. #1, Denver - first major "Northern" case - provided guidelines that required city-wide desegregation on the basis of a segregated sub-district

December 14, 1975 - Consent Decree approved by the court

January 16, 1976 - Deadline for filing objections to the Consent Decree

September 1976 - Implementation of Consent Decree

December 13, 1966 - Reversal of district court on Caldwell intervention

February 25, 1977 District court approval of Caldwell group to intervene

February 28, 1977 - March 10, 1977 Board of Education submitted plan for reducing racial isolation in the city's secondary schools within the guidelines of the consent decree

April 1977 - *Hearings are held on the Plan submitted by the Board of Education*

Summer 1977 - *Additional parties are added to the defendant side:*

- *State of Missouri*
- *State of Missouri Board of Education*
- *Commissioner of Education of the State of Missouri*

July 17, 1977 - *Hearings are held on Plan submitted by the Board of Education*

October 17, 1977 - May 26, 1978 *Trial is held*

1979 - Milliken v. Bradley (Milliken II) - Supreme Court held that remedial education was a valid remedy as part of a desegregation decree and the state can be ordered to share the costs of desegregation

1979 - Columbus Board of Education v. Penick)
1978 - 1979 - Dayton Board of Education v. Brinkman) Court further spelled out various remedies for segregation
1979 - Pasadena Board of Education v. Spangler)

April 12, 1979 - *District court hands down decision favorable to the Board of Education*

Concerned Parents of North St. Louis appeal the district courts decision

March 3, 1980 - *District court decision reversed by the Eighth U.S. Circuit Court of Appeals - Board ordered to submit a Plan that will desegregate the system's schools by May 2, 1980*

May 2, 1980 - *Board of Education submits its Plan to the district court*

May 24, 1980 - *District court accepts with some modifications the Plan submitted by the Board of Education that will desegregate the city's schools for the 1980-1981 school year*

BACKGROUND INFORMATION FOR THE

DESEGREGATION INSTRUCTIONAL UNIT

In 1847, fourteen years before the Civil War started, there appeared in the Missouri Constitution a law which provided: No person shall keep or teach any school for the instruction of Negroes or Mulattoes. By 1865, near the close of the Civil War, the Missouri Legislature enacted legislation that allowed for the creation and maintenance of separate public schools for blacks. This legislation created separate funding, separate enumerations, separate consolidated "colored" school districts and the interdistrict transfer of black students.

Under the state-mandated segregated system, white students were generally assigned to schools in their neighborhoods. Black students attended schools in the "core" of the city. Those blacks residing outside the "core" were bused into the black schools; for them there were no neighborhood schools. Separate overlapping attendance zones were maintained for black and white students. Black students from some suburban St. Louis county school districts were also bused into the City's black schools because state law and practice prohibited them from attending their local (white) schools. The black schools were staffed by black teachers, administrators and nonprofessionals; the white schools by white personnel.

In 1954, the Supreme Court issued the Opinion in Brown v. The Board of Education (Topeka, Kansas) that paved the way to desegregate the nation's public schools that were not integrated:

> "This case tested the validity of State laws providing for racial segregation in the public schools. The Court reversed the doctrine of Plessy v. Ferguson that the Fourteenth Amendment does not outlaw segregation so long as equal facilities are provided for each race. The Court has ruled that separate educational facilities are inherently unequal."

As a result of the decision of Brown v. the Board of Education, the St. Louis Board of Education declared that it would begin a plan designed to desegregate its system. The heart of the plan was said to be the "neighborhood school concept." (A school that serves a specific geographic area - usually in fairly close proximity to that school.) School attendance zones were redrawn and students were generally assigned to schools close to their homes. The zones were nearly identical with the boundaries of racially identifiable neighborhoods. Moreover, a "continuation transfer" option was made available to all students then enrolled, permitting them to remain at the school in which they were then enrolled until graduation, unless overcrowding would result.

The new plan did not change the segregated nature of the St. Louis school system. Schools that had all black student and faculty populations prior to Brown continued to be all black or virtually all black after the 1955 plan went into effect. Most of the schools that had been white before the Brown decision remained white. Those white schools that were located in neighborhoods that became black, turned all black after the plan was put into effect.

Numerous lawsuits to desegregate the schools were filed by parents with black children enrolled in the St. Louis public schools from approximately 1958 through the 1960s. For one reason or another, none of the suits brought about the action desired by the plaintiffs.

On February 18, 1972, Craton Liddell, his mother, and other members of the Concerned Parents of North St. Louis and their children brought suit in the United States District Court for the Eastern District of Missouri seeking to represent the class of black children in the St. Louis school system. In their suit, they stated that the Board of Education and its administrators had "caused and continued" racial segregation and discrimination in the operation of the public schools of the City of St. Louis, in violation of the Fourteenth Amendment.

Ninety years after Missouri first required separate schools, the United States Supreme Court, in the Brown v. Board of Education (Topeka, Kansas) decisions, found that segregated school systems were providing an inferior education to black children. It held that such systems must be disestablished with all deliberate speed. As a result of these decisions, the Missouri laws requiring separate schools were repealed or declared inoperative. The St. Louis Board of Education's response to Brown was to adopt a "neighborhood school plan." Now, twenty-six years later, St. Louis elementary and Secondary schools remain segregated because of the nature of neighborhoods.

The St. Louis Board of Education failed to take effective measures to desegregate the school system in the years immediately following Brown I and has subsequently enforced policies with respect to the assignment of the students, the transportation of students, the assignment of personnel and the construction of school facilities which cannot be reasonably explained without reference to racial concerns and which have contributed substantially to continuing segregation in the school system. This failure resulted in the beginning of this action in 1972.

Since 1972, the Board of Education has taken some steps to disestablish the dual system. These include the adoption of an incremental faculty desegregation plan and the opening of several specialized and magnet schools, some of which are integrated.

In our judgement, these steps, while meaningful, are not adequate to establish the existing segregated school system. Something more than this is clearly required. We thus have no alternative but again to return this to the district court with directions to order the Board of Education, in consultation with parties, a qualified expert and an interracial committee selected by the district court from all the elements of the community, to develop and implement a plan that will integrate the St. Louis Public Schools.

EVENTS AND ACTIONS

As a result of the action taken by the Concerned Parents of North St. Louis, the following events and actions took place between 1972 and March 3, 1980:*

1. For more than a year, the Concerned Parents and the Board of Education engaged in gathering information, data and documents that would support their positions (1972-1973).

2. The Board of Education attempted to have the following parties join in the suit in the early stages as defendants, the Governor, the State Attorney General, the Commissioner of Education of the State of Missouri, the State Board of Education, the St. Louis County Superintendent of Education and twenty school districts in the St. Louis County (Oct. 30, 1973).

3. The Board of Education and the Liddell group agreed to a Consent Decree which was approved by the court on December 24, 1975. This decree gave permission to establish magnet schools as a means of desegregating schools on a voluntary basis.

4. A second group of black parents (Caldwell) attempted to enter the suit along with the N.A.A.C.P. The district court denied this motion in August of 1975. However, the appeals court overruled the district court on December 13, 1976 and granted the request. Then the district court approved the intervention of the Caldwell group, February 25, 1977.

5. Various plans were submitted and examined that would reduce "racial isolation" (segregation), groups could not come to any agreement on a specific plan.

6. The Justice Department, Missouri Board of Education, State of Missouri, Commissioner of Education of Missouri, entered the suit in the summer of 1977.

7. A bi-racial citizens committee was formed to help find a solution to reduce racial isolation.

8. On April 12, 1979, the district issued its decision in the case. It found the Board of Education had not intentionally through any of its policies or actions caused the school system to be segregated.

9. Decision of the lower court was appealed by the Concerned Parents of North St. Louis.

10. The Eighth U.S. Circuit Court of Appeals released its opinion that overruled the ruling of the district court on March 3, 1980. The St. Louis Public Schools were mandated (ordered) by the Appeals Court to develop a plan that would desegregate the entire system, this Plan was due in the district court on May 2, 1980.

11. Hearings were held.

*Events and actions listed are not in chronological order of their occurrence.

GUIDELINES ESTABLISHED BY THE EIGHTH CIRCUIT FOR THE DESEGREGATION PLAN

THE SOLUTION (REMEDY)

1. The solution is required as system-wide and cannot be voluntary.
2. An integrated system must be developed and started promptly.
3. The Plan must be ready for the court by May 2, 1980.
4. The Plan is to be started no later than the beginning of the 1980-1981 school year.

STEPS TO USE IN DEVELOPING A PLAN

1. The principal responsibility for developing and starting the plan is placed upon the Board of Education of St. Louis.
2. In fulfilling this responsibility, the Board shall work with the following persons:
   (a) The parties to the case
   (b) A broadly based interracial citizens committee
   (c) An expert

MAJOR REQUIREMENTS

1. Presently integrated schools shall remain as they are.
2. A school with a black enrollment of between 30% and 50% is considered integrated.
3. These proportions to stay in effect, if possible, for five years.
4. Remaining white schools - over 70% white - shall be integrated with black schools to provide an enrollment of 30% - 50% black.
5. Burden of integration to be borne as equally as possible by each race.
6. Schools which are not touched by these provisions, namely the all black schools in North St. Louis should offer special programs to insure "equal educational opportunities." The following may be used to achieve this purpose:

(a) compensatory and remedial programs
(b) programs providing less than full-time integrated learning experiences
(c) exchange programs with suburban school districts.
(d) maintaining and adding to magnet and specialty schools
(e) establishing educational parks
(f) expanding permissive transfer policy.

7. Steps must be taken to insure that the school personnel be integrated at every level.

GENERAL ACTIVITIES

Because of the large number of pupils who will be attending schools in September, 1980 that they have not attended before, it is important to make them comfortable in their new settings. In order to do this, some activities applicable to all schools and to all levels of pupils are given here. If they are to be of value, it is important that these activities take place within the first two weeks of school.

Activity I is suggested only for those pupils who are new to the school. Pupils who formerly have attended the school and are familiar with it might act as tour guides for the new students. Guides may find it helpful to write out the information they will need to give those on the tour. Writing the information will aid the guides considerably in planning the route and determining the amount of information needed for each stopping point.

Students prepared to act as tour guides for pupils may also act as guides for parent and other adult groups.

Activity II is suggested for use with all pupils. It is hoped that teachers will continue the practice of developing basic rules for the classroom but that the emphasis or focus will be on relating school and classroom rules to city, state or federal laws.

In this way, all children will become aware of the need for rules and laws and gain respect for them. The obeying of a law or court order will be received as a natural response to the court order to desegregate the St. Louis schools.

ACTIVITY I

Objective:

To provide pupils and parents with a knowledge of the school setting in which the pupils will function.

Activities:

- Each teacher will take his/her class on a tour of the entire building including the principal's office, the nurses office, the library, the lavatories, the rooms for special services, i.e., MIT, RIT, speech therapy, and where applicable, the science lab, the homemaking and industrial arts rooms, and the custodians quarters.

- Students already familiar with the building may act as tour guides - 5th grade students in Kg.-5 sites and 8th grade students of Middle School sites.

- Teachers should accompany their classes on the tour and may act as guides if no student is available to serve in this capacity.

- Students should meet key personnel while on the tour, i.e., the principal, the secretary, the custodians, the nurse, the social worker, the lunchroom workers, and if possible, the art, music, physical education and Title I teachers.

- Parents will be given a tour of the building and an opportunity to meet all of the teachers at the first meeting of the parent organization or at an Open House held early in the school year.

- Principals may wish to give the parents a tour of the building before the first regularly scheduled parent organization meeting.

Assessment:

- What's My Name?

List of persons:	Name of persons:
principal	
nurse	
teacher	
secretary	
custodian	
art teacher	
etc.	

Pupil will give the name of each person whose position is listed. This may be a total group or an independent written activity depending on the level of the pupils.

- Name the Place

The teacher will provide the pupils with a description of specific rooms in the building, i.e., the lunchroom, RIT/MIT, gym. The pupils will name the place.

Note: This may be a total group oral activity or an independent written activity depending on the level of the pupils.

ACTIVITY II

Objective:

To provide knowledge of the rules of the school and of each specific room so that pupils may function effectively in the school setting.

Activities:

- If a school manual or code of behavior already exists and is to be used during the 1980-1981 school year, it should be distributed to parents and students and discussed in classrooms and at parent meetings.
- If no such document exists, one should be developed by the principal, teachers, parents, and perhaps some students, distributed and discussed with parents and students.
- Each class and the teacher should cooperatively develop a set of rules for the specific room and display them in the room.

Assessment:

- The school and classroom rules should be discussed in order for the teacher to determine how well they are understood.
- As specific situations arise, pupils should refer to the rules to assure they are being followed.
- At selected intervals the teacher and pupils should cooperatively complete a checklist to determine how well the class is operating within the room rules.

ELEMENTARY SCHOOL PRIMARY UNIT

Below is a suggested selection to read to students as introductory statements for the Desegregation Instruction teaching unit. It should be altered to fit the students with whom you work, and may or may not be used.

Introduction

We have talked about rules for our school and for our room.

Why do we have rules?

Just as it is important to have rules for our room and our school -- it is important to have rules for our city (St. Louis) our state (Missouri) and our country (the U.S.A.).

Rules that guide the city, the state, and the country are called laws.

Many, many years ago our state had a law that said black children must not be taught to read or write. People decided this was not a fair law and it was changed. A new law said that black children could be taught to read and write; and, schools especially for black children were set up.

Later some other persons thought it was not fair that black and white children could not go to school together. They felt it was unfair to have separated or segregated schools.

Our country made a rule that no public places such as restaurants, movie theaters and public schools could be segregated.

Our city then set up a rule that children could go to the school nearest their homes. Before then some children had traveled long distances to get to a school because black children could only attend all black schools and white children could only attend all white schools.

Permitting children to go to the school closest to them was called the Neighborhood Plan. This meant all children could go to school in their neighborhood. This brought some integration in the schools. (Explain integration)

Now the Court has made a decision that the St. Louis Schools are not integrated enough and the St. Louis Board of Education has been ordered to make plans to have as many schools as possible integrated. That is why many boys and girls are going to schools different from the ones they went to last year and some teachers are teaching at schools different from the ones they were assigned to last year.

ACTIVITY I

Objective:

Pupils will acquire a knowledge of the meaning of selected words related to desegregation.

Activities:

Suggested Vocabulary

desegregate	integrate	Court
law	rule	ordered
judge	middle school	cluster
elementary school	Neighborhood Plan	

(a) Determine how many words pupils already understand in an oral lesson by letting pupils give definitions. Clarify any misperceptions.

(b) Write simple definitions of suggested vocabulary words (one each) on cards and the words (one each) on other cards. Play a variety of matching games.

Assessment:

Degree of success at matching definitions to words. Primary III students may use a written matching activity.

ACTIVITY II

Objective:

Pupils will learn to identify the relationship of the laws of the city, state, and country.

Activities:

- Review with pupils the rules of the classroom and the school. During the discussion, emphasize that classroom rules cannot go against a school rule, i.e., a classroom rule may not allow pupils to chew gum or run in the classroom if the school rules do not allow these. (Elicit from pupils other examples of this concept.)

- Discuss the need cities have for rules and how these rules must not conflict with state laws.

- Discuss why laws of the United States must be obeyed even if city or state laws are different.
- Discuss why city or state laws must be changed to meet laws of the country.

Assessment:

Oral activity: Using the items given below, have children indicate which is true and which is false.

1. Classroom rules cannot go against school rules.
2. The school rules are not to be followed by everyone in that school.
3. Cities can make laws for the United States.
4. The United States can make laws that all states must obey.
5. The United States can make laws that all schools must follow.

ACTIVITY III

Objective:

Pupils will gain a general understanding of the term integrate.

Activities:

- Have one pupil sit in the corner far from the rest of the group. Discuss why this pupil represents a form of segregation.
- Have all girls sit on one side of the room while the boys sit on the other. Discuss why this grouping represents a form of segregation. The teacher may ask the question, "How can the groups be integrated?"
- Have pupils describe other forms of segregation found either in the school or at home.

Assessment:

- Using pictures of groups, have pupils determine if the groups are integrated.
- Using pictures of groups of one race, one sex, one age, have pupils discuss how the groups could be desegregated.
- Have pupils note TV ads in which there are groups integrated by race, i.e., Bill Cosby.
- Have pupils note TV ads in which there is a group integrated by age, i.e., Pepsi Cola, chewing gum, lemonade, Coca-Cola.

. Have children determine if their classroom is integrated? If it is not, how could it be integrated?

ACTIVITY IV

Objective:

Students will acquire information about the school gained from a tour of the building.

Note: This activity is designed as a follow-up of a tour of the building.

Activities:

. An experience story may be written by the class and illustrated to depict various staff members, location of various services, etc.

. A booklet with cover and pages cut in the shape of a school could be developed as a room project or by individual students. This booklet would include pertinent information on the school, including facts about the person for whom the school was named, staff members, information on special classes, etc.